

  
**City of Millbrae**  
Guidelines for Screening  
Automated Photo Enforcement Violations

ITEM P

**Section 21455.5(c) (1) of the California Vehicle Code states, in part:**

*Only a governmental agency, in cooperation with a law enforcement agency, may operate an automated enforcement system. As used in this subdivision, "operate includes all of the following activities:*

- (1) Develop uniform guidelines for screening and issuing violations and for the processing and storage of confidential information, and establishing procedures to ensure compliance with those guidelines.**

**Suggested Guidelines When Screening Violations**

1. Does the incident contain all 4 required photographs?
2. Are the traffic signals in the Scene A (pre-violation) and Scene B (post-violation) in the red phase?
3. Does Scene A photo clearly show the vehicle placement before the limit line or crosswalk?
4. Does the Scene B photo clearly show the vehicle entered into the intersection?
5. Is the driver's photograph clear enough to identify the driver, either in person or with a DMV Photo?
6. Is the license plate photo clear?
7. Is the data bar information complete?
8. Does the video corroborate the photographic evidence?
9. Is the DMV information for the driver/vehicle complete? If not, conduct an inquiry in an effort to complete it.

After evaluating the incident, the officer (or red light coordinator) may accept the incident and cause the issuance of a citation or reject it for any of the deficiencies listed in items 1-9 above or any other circumstance that would constitute a legal or factual mitigating defense. The decision to accept or reject an incident is at the discretion of the officer.

When an officer accepts a violation, the citation is issued and the violator is given the opportunity to contest the violation. If contested and a subpoena issued, a request is made for a court packet and a file folder is created. The original court package is given to the court as evidence. A copy is given to the violator and a copy retained for testimony. After the court appearance, the package is maintained for six months in the Redlight Photo Enforcement Office. After six months, the court packets are destroyed in a manner that protects the confidentiality of the person included in the record.

Except for court records described in Section 68152 of the Government Code, the confidential records and information described in paragraphs (1) and (2) may be retained for up to six months from the date the information was first obtained, or until final disposition of the citation, whichever date is later, after which time the information shall be destroyed in a manner that will preserve the confidentiality of any person included in the record or information.

- The City of Millbrae stores the evidence in a secured cabinet in a secured room with limited access to SMPD personnel. The evidence remains in this location until the court date, when a SMPD Photo Enforcement coordinator transports the evidence to court for trial. After trial, the file is placed back in the secured cabinet and purged shortly thereafter.
- The evidence remains in a secure cabinet for six months from the date the information was first obtained, or until final disposition of the citation, whichever date is later. The information is destroyed in a manner that will preserve the confidentiality of any person included in the record or information.
- On a quarterly basis, all files and evidence is reviewed for compliance.
- These measures are taken to ensure the credibility and reliability of the evidence and confidential information.